

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of | |) |
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| | Daniel F. Justin et al. |) |
| | |) |
| Serial No.: | 10/749,332 |) Art Unit |
| | |) 3732 |
| Filed: | December 30, 2003 |) |
| | |) |
| Confirmation No.: | 9889 |) |
| | |) |
| For: | METHODS AND APPARATUS FOR |) |
| | FORMING A TUNNEL THROUGH A |) |
| | PROXIMAL END OF A TIBIA |) |
| | |) |
| Examiner: | James L. Swiger III |) |

TRANSMITTAL FOR 3RD SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is a Second Supplemental Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ___ Statement of relevance of selected cited references not in the English language which are not translated.
- ___ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ___ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Second Supplemental Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 2 references submitted for consideration.
- ☒ A copy of 1 Non-US references listed on the Form PTO-1449.
- ☐ English translations of ☐ () of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Supplemental Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☐ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☒ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☒ Form PTO-2038 submitting Credit Card Payment in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;
 - ☐ Petition for Consideration; and

- ___ Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- IV. ___ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- ___ Petition to Withdraw from Issue; and
- ___ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- X Any fee required in relation to filing of this letter or any documents transmitted therewith.
- ___ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- ___ The submission fee set forth in 37 C.F.R. § 1.17(p).
- ___ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 12th day of October 2007.

Respectfully submitted,

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